

**DURHAM, NORTH CAROLINA
MONDAY, MARCH 3, 2003
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith.

Also present: City Manager Marcia L. Conner, City Attorney Henry Blinder, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with the Pledge of Allegiance and at that time, he read a proclamation designating March 2003 as *Red Cross Month*.

The Mayor asked for priority items from the City Manager, City Attorney and City Clerk. City Manager Conner noted items on the Supplemental Agenda were numbered incorrectly, provided a revised 2003 Legislative Program and reminded Council that the Legislative Breakfast will be held Friday, March 7, 2003 at 8:00 a.m. in Conference Room A (Planning Department).

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to accept the City Manager's priority items was approved at 7:06 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

City Attorney Blinder provided handout on the utility rate increase by Public Service Gas Company and made comments noting Council could adopt a resolution expressing concern regarding rate increases in the future.

MOTION by Council Member Clement seconded by Mayor Pro Tempore Cheek to refer this matter [Resolution Expressing Concern on Rate Increases Requested by Public Service Gas Company] to the March 6, 2003 City Council Work Session was approved at 7:09 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Mayor Bell made comments regarding the letter sent to various gasoline companies regarding the substantial and continuing increases in the price of gasoline during the past year.

Council Member Clement requested that Council be keep informed of responses from gasoline companies.

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[SUPPLEMENTAL AGENDA]

SUBJECT: FY 03 FEDERAL TRANSIT GRANT APPROVAL/EXECUTION

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to ratify the electronic execution of the partial grant; and

To accept and execute the Transit Capital Grant for Preventive Maintenance from the Federal Transit Administration in the amount of \$2,001,190 [includes the local match]; and

To adopt a Grant Project Ordinance for the acceptance of the Transit Capital Grant for Preventive Maintenance in the amount of \$2,001,190; and

To authorize the City Manager to make changes to the Grant Agreement before execution as long as the changes do not substantially alter the dollar amount and remain consistent with the general intent of the Grant Agreement was approved at 7:13 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance #12765

SUBJECT: GRANT PROJECT ORDINANCE FOR WEED & SEED - U.S. DEPARTMENT OF JUSTICE, OFFICE OF THE JUSTICE

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Cole-McFadden to accept the FY 2002-2003 Program Grant for Weed and Seed Strategy from the U.S. Department of Justice, Office of the Justice in the amount of \$275,000; and

To adopt a Grant Project Ordinance for the acceptance of the FY 2002-2003 Program Grant for Weed and Seed Strategy in the amount of \$275,000; and

To authorize the City Manager to make changes to the Grant Agreement before execution as long as the changes do not substantially alter the dollar amount and remain consistent with the general intent of the Grant Agreement was approved at 7:16 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance #12766

SUBJECT: MILTON LEWIS & ASSOCIATES CONTRACT – MEDIATION SERVICES

MOTION by Council Member Cole-McFadden seconded by Council Member Edwards to authorize the City Manager to execute a contract with Milton Lewis & Associates for mediation services in the amount of \$3,000; and

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To authorize the City Manager to make changes to the contract before execution as long as the changes do not increase the dollar amount and remain consistent with the general intent of the contract was approved at 7:18 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

As a priority item, City Clerk Gray swore in James Edward Vaughan and Warren L. Herndon as members of the Cable TV Advisory Board.

Mayor Bell asked if any citizen(s) or council member(s) wanted to pull any items from the Consent Agenda. Items 4 [Amendments to City Council Rules of Procedures]; 5 [2003 Legislative Program]; 7 [Contracts]; 12 [Water & Sewer Extension Agreement—Grandale Park]; 17 [Major Site Plan-Cole Mill Place Apartments]; 18 [Proposed East Durham UGA Expansion]; 21 [RFP-Woolworth Building Site] and 23 [Police Department Quarterly Report] were pulled from the Consent Agenda.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the Consent Agenda as amended was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

[CONSENT AGENDA]

SUBJECT: APPROVAL OF CITY COUNCIL MINUTES - CITY CLERK'S OFFICE

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve the City Council minutes for the following meeting was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

February 3, 2003 - Regular Meeting

SUBJECT: HUMAN RELATIONS COMMISSION – RECEIPT AND ACCEPTANCE OF APPLICATIONS

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive and accept applications for citizens to fill three (3) vacancies for the following was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

- (1) MINORITY MEMBER MALE (term expires June 30, 2003)
- (1) MINORITY MEMBER MALE (term expires June 30, 2005)
- (1) OTHER RACIAL GROUP MEMBER (term expires June 30, 2003)

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**SUBJECT: WORKFORCE DEVELOPMENT BOARD - RECEIPT AND
ACCEPTANCE OF AN APPLICATION AND APPOINTMENT**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive and accept an application and appoint Jane Poe-Eure to fill one (1) vacancy for a representative from the local public school system in accordance with the Federal Workforce Investment Act of 1998 [term will expire July 1, 2004] was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: MAJOR SITE PLAN – SOUTHPPOINT OFFICE PARK BANK
PARCEL (CASE D02-632)**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve a site plan for a one-story, 6,400 square foot bank with three drive-up windows and one automated teller machine, 49 motor vehicle parking spaces and two bicycle parking spaces, on a +1.92 acre site, zoned O&I-2(D) and F/J-B was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: DESIGNATION OF DEPUTY FINANCE OFFICER

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a resolution designating Keith R. Herrmann, Assistant Director of Finance, as a Deputy Finance Officer was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Resolution #8970

**SUBJECT: PARKER POE ADAMS & BERNSTEIN CONTRACT EXTENSION
- AMERICAN TOBACCO PROJECT**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to increase the dollar amount of the contract with the City's special bond counsel on certificates of participation, Parker Poe Adams & Bernstein, for legal representation on the American Tobacco Project from \$100,000 to \$150,000 was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: DESIGNATION OF APPLICANT'S AGENT - DISASTER RELIEF

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MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a Resolution to Designate Marcia L. Conner, City Manager, and Theodore L. Voorhees as Applicant's Agents Authorized to Execute and File Applications for Federal and/or State Assistance on behalf of the City Of Durham was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Resolution #8962

SUBJECT: WATER & SEWER EXTENSION AGREEMENT WITH DAVID DANIEL CONSTRUCTION COMPANY, INC. - ABERNATHY TRACT

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a water and sewer extension agreement with David Daniel Construction Company, Inc. to serve Abernathy Tract was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: WATER & SEWER EXTENSION AGREEMENT WITH CARPENTER POINTE PARTNERSHIP - CARPENTER POINTE SUBDIVISION, PHASE III

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a water and sewer extension agreement with Carpenter Pointe Partnership to serve Carpenter Pointe Subdivision, Phase III was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: WATER & SEWER EXTENSION AGREEMENT WITH CROSLAND DEVELOPMENT COMPANY - SOUTHPOINT VILLAGE

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a water and sewer extension agreement with Crosland Development Company to serve Southpoint Village was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: WATER AND SEWER EXTENSION AGREEMENT – DURHAM PUBLIC SCHOOLS BOARD OF EDUCATION - DURHAM ELEMENTARY SCHOOL A

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MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a water and sewer extension agreement with Durham Public Schools Board of Education to serve Durham Elementary A was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: STOP SIGNS

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance to repeal the following sections of Ordinance #12505, adopted February 18, 2002 was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

- 1) Section b, authorizing the installation of a stop sign on Ravenglass Way at Windermere Drive, northwest corner;
- 2) Section c, authorizing the installation of a stop sign on Ravenglass Way at Infinity Road, southeast corner;
- 3) Section d, authorizing the installation of a stop sign on Frederick Drive at Ravenglass Way, southeast corner; and
- 4) Section e, authorizing the installation of stop signs on Castleford Circle at Ravenglass Way, southeast and southeast corners.

Ordinance #12670

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt an ordinance authorizing the installation of stop signs at the following locations was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

- 1) Rodham Road at Southerland Street, northeast corner;
- 2) Timber Wolf Drive at Panther's Run Drive, south corner (Huntington Ridge);
- 3) Hunting Chase at Timber Wolf Drive, northwest corner (Huntington Ridge);
- 4) Stockton Way at Farrington Road, northeast corner (Prescott Place);
- 5) Carmen Lane at Stockton Way, south corner (Prescott Place);
- 6) Hunters Ridge Trail at Stockton Way, north corner (Prescott Place);
- 7) Morning View Court at Oak Grove Parkway, northwest corner (Grove Park – Idlewood);
- 8) Linkside Court at Morning View Court, northwest corner (Grove Park – Idlewood);
- 9) Piedmont Terrace Court at Oak Grove Parkway, south corner (Grove Park – Piedmont- Hartwell); and
- 10) Thorn Brook Court at Oak Grove Parkway, north corner (Grove Park – Piedmont- Hartwell).

Ordinance #12671

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**SUBJECT: PURCHASE REPLACEMENT ALTERNATIVE DUTY PISTOL,
SMITH & WESSON MODEL 99 AND GEAR**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the use of Federal Asset Forfeiture Funds and/or Tax Stamp Funds in an amount not to exceed \$50,000 for the purchase of 100- Smith & Wesson Model 99, leather gear for Alternative Duty Pistol and ammunition was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: DURHAM FIRST INITIATIVE PROGRAM

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive a presentation on the Durham First Initiative program was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: FAYETTE PLACE

To accept a presentation on Fayette Place.

This item was removed from the agenda.

SUBJECT: CITY OF DURHAM 150TH ANNIVERSARY

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive a presentation on the Celebration of the City of Durham's 150th Anniversary was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

**SUBJECT: CONGESTION MANAGEMENT REPORT – TRANSPORTATION
DEMAND MANAGEMENT MULTI-JURISDICTIONAL
ADVISORY BOARD**

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive a report on congestion management from the Transportation Demand Management Multi-Jurisdictional Advisory Board was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

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SUBJECT: THE CANARY COALITION REGARDING EPA AND LOCAL AIR QUALITY - AVRAM FRIEDMAN

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive comments from Avram Friedman on threats to the implementation of North Carolina's newly passed Clean Smokestacks Act by action recently taken by the EPA was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: TOM COULTER

To receive comments from Tom Coulter on the process afforded to citizens to get an affirmative response on matters brought to the City's attention.

This citizen did not appear at the 2-20-03 work session.

SUBJECT: OFFICE OF STATE PERSONNEL, HUMAN RESOURCE DEVELOPMENT GROUP

To authorize the City Manager to enter into a memorandum of agreement with the Office of State Personnel, Human Resource Development group to provide facilitation and consulting services at a cost not to exceed \$7,000; and

To authorize the City Manager to make changes to the memorandum of agreement before execution as long as the changes do not increase the dollar amount and remain consistent with the general intent of the memorandum of agreement.

This item was passed at the 2-20-03 work session with a vote of 6-1. Noes: Council Member Best.

SUBJECT: JOINT FIRE TRAINING RESOLUTION – CITY OF DURHAM – CITY OF RALEIGH – CITY OF CARY – TOWN OF CHAPEL HILL

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt a Resolution To Support Efforts to Establish a Joint Fire Training Center was approved at 7:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Resolution #8972

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[ITEMS PULLED FROM CONSENT AGENDA]

SUBJECT: AMENDMENTS TO CITY COUNCIL RULES OF PROCEDURE

LaVonnia Allison, representing DCABP, expressed concern regarding time limits for citizens signing up to speak at the start of the meeting and not receiving supporting information in advance of public hearings.

Council Member Clement expressed concern about amendments to Council procedures.

MOTION by Council Member Cole-McFadden seconded by Mayor Pro Tempore Cheek to adopt the amendments to City Council Rules of Procedure was approved at 7:39 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: Council Member Clement. Absent: None.

2.6.7 Time Limits:

2.6.7(a) Citizens.

This subsection does not apply to matters added to the agenda at the Council meeting, matters removed from the Consent Agenda at the Council meeting, and public hearings.

Attachment A:

24. All Boards, Committees and Commissions will keep minutes of meetings and furnish to the City Clerk a copy of the approved minutes with 15 days after the next meeting of the body.

SUBJECT: 2003 LEGISLATIVE PROGRAM

Council Member Stith requested that Item 6 [Motor Vehicle Tax] under I. Charter Amendments/Local Bills be severed.

Andy Miller, of Police Benevolence Association, noted as a result of compromise reached between the North Carolina Police Benevolence Association (PBA) Triangle Chapter, the Police Department and City Manager, PBA will not be moving forward with the Durham Police Officer Disciplinary Act.

City Attorney Blinder gave an overview of the inclusionary zoning local bill.

City Manager Conner noted the administration will be asking the Joint City/County Planning Committee to review the density bonus program.

MOTION by Council Member Clement seconded by Council Member Cole-McFadden to approve the revised 2003 Legislative Program for the 2003 session of the General Assembly [with the exception of Motor Vehicle Tax and deleting the request of PBA] was approved at 8:01 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore

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Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to approve Item 6 [Motor Vehicle Tax] under I. Charter Amendments/Local Bills was approved at 8:01 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Clement and Cole-McFadden. Noes: Council Members Best, Edwards and Stith. Absent: None.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to include inclusionary zoning authority as a part of the 2003 Legislative program was approved at 8:02 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

For clarification, City Attorney Blinder noted the action taken by Council included additional item regarding inclusionary zoning authority and that the PBA item was withdrawn from the 2003 Legislative Program.

2003 Legislative Program

I. Charter Amendments/Local Bills.

1. Expedite Proceedings Against Chronic Violators of the City's "Weedy Lot" Ordinance.
2. Allow the Housing Appeals Board to Hear Appeals in "Weedy Lot" Cases.
3. Clarify Authority Regarding Sidewalks.
4. Street Annexations.
5. Delegating Authority on Routine Traffic Control Measures.
6. Motor Vehicle Tax.
7. Amend Membership of Durham's Firemen's Supplemental Retirement System and Name of System.
8. Expand the Use of Density Bonuses and Inclusionary Zoning Authority of the City to Promote the Creation and Dispersal of Affordable Housing.

II. General Law.

1. Allow Administrative Search and Inspection Warrants at Night in Appropriate Circumstances.
2. Clarify Authority to Require Maintenance of Commercial Buildings.
3. Establish a 300-Foot "Safety Zone" Around Schools for Possession of Firearms.
4. Establish a 300-Foot "Safety Zone Around Schools for the Sale of Alcoholic Beverages.
5. Clarify Authority to Regulate Towing Prices on Private Property for "Nonconsensual" Tows.

III. Resolutions.

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1. Resolution supporting an intensive rehabilitation alternative to incarceration under the habitual felon program. **Resolution #8963**
2. Resolution supporting the establishment of a committee to study the current process of appointing, supervising and disciplining magistrates. **Resolution #8964**
3. Resolution supporting amendments to the state ABC laws to allow more local control over the location and operation of establishments that sell or serve alcoholic beverages. **Resolution #8965**
4. Resolution supporting House Bill 99 or other similar legislation to authorize counties and cities to levy a menu of local option taxes, if approved by the voters. **Resolution #8966**
5. Resolution supporting the proposed North Carolina Tourism Development Act. **Resolution #8967**
6. Resolution supporting the creation of a Legislative Study Commission to examine the need for underground utility lines and issues related to funding of such lines. **Resolution #8968**
7. Resolution supporting the request of Duke University to enter into joint agreements with the City to extend the law enforcement authority of campus police officers into the City's jurisdiction. **Resolution #8969**

SUBJECT: CONTRACTS

Council Member Cole-McFadden asked staff a question that was answered regarding Phoenix Communications, pulled the contract for TransAmerica Commercial Brokerage, Inc. in order for staff to provide information on whether this is the initial or a new contract. Relative to Downtown Durham, Inc., she asked staff how does this contract work with the new special events position in the Economic Development Office.

City Manager Conner noted the administration will provide information regarding these contracts at the March 6, 2003 City Council Work Session.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to authorize the City Manager to execute the list of contracts [with the exception of TransAmerica Commercial Brokerage, Inc. and Downtown Durham, Inc. for discussion at the March 6, 2003 City Council Work Session]; and

To authorize the City Manager to make changes to the list of contracts before execution as long as the changes do not increase the dollar amount and remain consistent with the general intent of the contracts was approved at 8:08 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Contractor	Contract Description	Department	CT Amount
Michael & Young Fenton	Stormwater Maintenance & Facility Permit Agreement	PW	NA
Westfield Homes Of North Carolina	Stormwater Maintenance & Facility Permit Agreement	PW	NA

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Lyon's Farm Homeowners Association	Stormwater Maintenance & Facility Permit Agreement	PW	NA
Delta Dental Plan of North Carolina	3rd year of 3 year agreement for administration of Self insured dental plan	HR	8.4% of claims filed
Four Seasons Catering	Refreshments for Human Relations Women's Forum	Human Relations	\$ 517.29
Four Seasons Catering	Refreshments for Human Relations Youth Diversity	Human Relations	\$ 144.07
Four Seasons Catering	Refreshments for Human Relations Kickoff	Human Relations	\$ 315.61
Colonial Life & Accident	3rd yr of 3 year contract for administration of 125 Flex accounts	HR	NA
WellPath	3rd yr of 3 year contract Point of Service Health Care Plan	HR	NA
Gary Thompson	Official	P&R	\$ 800.00
David Everly	Official	P&R	\$ 2,500.00
Elaine Bardes	Official	P&R	\$ 2,500.00
Le Scout	Official	P&R	\$ 2,500.00
Edgar Craver	Official	P&R	\$ 2,500.00
Andrea Hale	Official	P&R	\$ 800.00
Demah Payne	Official	P&R	\$ 2,500.00
Danielle Jones	Official	P&R	\$ 800.00
John Harrison	Official	P&R	\$ 800.00
Amy Lloyd	Official	P&R	\$ 800.00
William Madden	Official	P&R	\$ 3,000.00
Jeffrye Holmes	Official	P&R	\$ 900.00
Kevin Holmes	Official	P&R	\$ 900.00
Leslie Sparks	Official	P&R	\$ 2,500.00
Robert Mitchell	Official	P&R	\$ 500.00
William Mull	Official	P&R	\$ 600.00
Jennifer Hinkle	Official	P&R	\$ 800.00
Edgar Amezcuita	Athletic Inst	P&R	\$ 560.00
Anthony Johnson	Athletic Inst	P&R	\$ 800.00
Edelmira Amezcuita	Athletic Inst	P&R	\$ 260.00
Malcolm Goff	Athletic Inst	P&R	\$ 360.00
Brandon Hampton	Athletic Inst	P&R	\$ 360.00
David Ingram	Athletic Inst	P&R	\$ 280.00
Phillip Shaw	Athletic Inst	P&R	\$ 360.00
Valencia Knight	Athletic Inst	P&R	\$ 360.00
Bobby Pettiford	Athletic Inst	P&R	\$ 280.00
Yavette Harris	Computer Instruction	P&R	\$ 1,600.00
Temika Smith	Computer Instruction	P&R	\$ 2,900.00
Martha Mitchell	Armoy Attendent	P&R	\$ 3,000.00
Doug Guild	Band for Earth Day	P&R	\$ 350.00
Chris Chamis	Sound for Earth Day	P&R	\$ 200.00
Carol Childs	Yoga Class	P&R	\$ 320.00
Michael Green	Martial Arts Class	P&R	\$ 3,170.00

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Michael Burroughs	Security	P&R	\$ 1,400.00
US Dept of the Navy	rental of night vision goggles	Police	\$ 300.00
Linda Dickerson Interiors	Contract Amendment	CMO	\$ 323.00
Phoenix Communications	Contract Amendment	CMO	\$ 3,783.00

SUBJECT: WATER & SEWER EXTENSION AGREEMENT WITH GRANDPARK, LLC – RIVERSIDE ON THE ENO

Mayor Pro Tempore Cheek asked staff a question that was answered regarding the reimbursement of sewer outfall.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to authorize the City Manager to enter into a water and sewer extension agreement with Grandpark, LLC to serve Riverside on the Eno was approved at 8:10 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: MAJOR SITE PLAN - COLE MILL PLACE APARTMENTS AND OFFICE (D01-730) – ROBERT HAYWOOD

To approve a Major Site Plan for an 11-unit apartment building with 500 square feet of office on a 1.1 acre site located at the corner of Cole Mill Road and East Oak Drive.

Frank Duke, City/County Planning Director, briefed Council on the staff report. He noted Council referred site plan to the Appearance Commission for their review at its November 18, 2002 City Council Meeting and the Appearance Commission met on December 18, 2002 outlining 14 recommendations. He noted the applicant has modified site plan to increase landscaping to the parking lot; added landscape screen for the trash corral; increased the size of the street trees to 3" caliper and lowered the site plan lighting to 16 foot tall poles. Also, he noted the site plan as modified continues to meet all ordinance requirements and staff recommends approval.

Mayor Pro Tempore Cheek asked the administration does the site plan meet all ordinance requirements and is it in conformance with all adopted plans.

Frank Duke, City/County Planning Director, replied yes.

Mayor Pro Tempore Cheek asked the City Attorney, what legal basis does Council have to reject the site plan.

City Attorney Blinder made comments noting the only basis legally would be if Council finds that one or more of the criteria in the site plan ordinance was not met.

Mayor Pro Tempore Cheek asked the City Attorney if Council cannot determine that one of the criteria has not been met, Council has no alternative but to approve the site plan.

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City Attorney Blinder replied yes.

Will Anderson, representing the applicant, spoke in support of site plan noting the applicant has revised it to incorporate many of the recommendations from the Appearance Commission relative to adding landscaping to parking lot and screening for trash corral; increasing size of trees and reducing the lighting. Also, he noted the applicant will commit to the following architectural commitments for Cole Mill Place as noted in the handout provided to Council: 1) rooflines will be varied (hip roof and dormer-style gables); 2) façade will contain varied materials including masonry and hardiplank siding) and facade will have significant relief (balconies and covered entryway). He noted plan complies with the criteria set forth in the ordinance and urged Council to approve the site plan.

The following individuals spoke in opposition to the site plan citing stream, density, traffic, safety, noise, parking, environmental, storm water runoff, incompatibility and schools concerns: Bernice Wheeler, Sonia Allen, Barry Allen, Carolyn Eckhardt, Ron Seiber, Matt Yarbrough, LaVonnia Allison, Barbara Ellertson [also she urged Council to postpone decision until UDO is adopted].

Will Anderson, representing the applicant, made additional comments noting the applicant has complied with the ordinance and urged Council to approve site plan.

Frank Duke, City/County Planning Director, noted relative to the storm water runoff, this project is exempt because there is less than one-acre of land disturbing activity. Also, he noted this development does meet the parking standards.

Council Member Cole-McFadden noted she cannot support this site plan due to storm water runoff, parking and maintenance concerns.

Council Member Clement spoke in opposition to site plan expressing compatibility concerns.

City Attorney Blinder briefed Council noting compatibility is not a criteria for approving a site plan.

Council Member Stith asked the administration does this project add to the storm water runoff and flooding issues.

Doug Vaughn, Storm Water Manager, noted the site is not large enough to trigger any storm water regulations and will not generate enough water on top of what is already is there to be noticeable.

Based on comments tonight, Mayor Pro Tempore Cheek asked the Planning Director if the site plan meets all technical requirements.

Frank Duke, City/County Planning Director, replied yes.

Council held discussion on storm water runoff/flooding.

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Mayor Bell expressed a concern regarding storm water runoff.

Mayor Pro Tempore Cheek spoke in support of site plan.

Council Member Clement noted Council is not ready to make a decision until Environmental Affairs Board reviews site plan.

Council Member Edwards spoke in opposition to this site plan due to environmental concerns.

Council Member Stith asked the administration and applicant are there alternatives to mitigate storm water runoff.

Doug Vaugh, Storm Water Manager, replied yes. He noted the applicant could provide on-site storage above or underground.

Taylor Blakely, representing the applicant, noted the applicant could put underground storage pipes under the parking lot.

City Attorney Blinder asked the applicant if the underground storage pipes will reduce runoff to be no more than what is currently there on the site.

Taylor Blakely, representing the applicant, replied yes.

City Attorney Blinder asked the applicant will underground storage pipes be added as a condition to the site plan.

Taylor Blakely, representing the applicant, noted Mr. Haywood has indicated that he will add note to site plan.

City Attorney asked the administration if applicant adds the note on the site plan would the administration be able to enforce requirement [underground storage pipes].

Doug Vaugh, Storm Water Manager, replied yes.

A motion was made by Mayor Pro Tempore Cheek seconded by Council Member Best to approve the item as printed subject to note being added to the site plan that the applicant will put underground storage pipes under the parking lot to mitigate storm water run off.

SUBSTITUTE MOTION by Council Member Clement seconded by Council Member Cole-McFadden to refer the Major Site Plan for Cole Mill Place Apartments and Office to the Environmental Affairs Board to consider environmental impact of this proposal and to report back to Council at the earliest City Council Meeting subsequent to their meeting **FAILED** at 9:31 p.m. by the following vote: Ayes: Council Members Clement and Cole-McFadden. Noes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Edwards and Stith.

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MOTION by Mayor Pro Tempore Cheek seconded by Council Member Best to approve a Major Site Plan for an 11-unit apartment building with 500 square feet of office on a 1.1 acre site located at the corner of Cole Mill Road and East Oak Drive [subject to note being added to the site plan that the applicant will put underground storage pipes under the parking lot to mitigate storm water runoff] was approved at 9:32 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best and Stith. Noes: Council Members Clement, Cole-McFadden and Edwards.

Mayor Bell requested the administration to inform the community when plans become available.

SUBJECT: PROPOSED EAST DURHAM UGA (URBAN GROWTH BOUNDARY) EXPANSION

Mayor Pro Tempore Cheek asked a question that was answered regarding who will bear the cost for pump stations and force mains.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to adopt the resolution to expand the UGA in the NC 98 and Baptist Road area was approved at 9:35 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Resolution #8971

SUBJECT: REQUEST FOR PROPOSAL FOR THE WOOLWORTH BUILDING SITE REDEVELOPMENT

Victoria Peterson raised a concern with the cost for demolishing building and asked Council to give the building back to whoever gave it to the City.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive a presentation on the Request for Proposal for the Woolworth Building Site Redevelopment was approved at 9:38 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: POLICE DEPARTMENT QUARTERLY REPORT

Victoria Peterson raised a concern with this item noting that the report does not reflect the reported crime information.

Mayor Bell requested Chief Chalmers to share information not reflected in report with Council.

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Carolina Rivera, of 6 Kaplan Court, made comments noting she has been denied all types of police services in Durham and wants to feel safe in her home.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive a presentation on the Police Department's Quarterly Report was approved at 9:50 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

[GENERAL BUSINESS AGENDA]

SUBJECT: DURHAM JAYCEES - DURHAM ALIVE

Greg Jenkins, representing Durham Jaycees, spoke in support of this matter.

Council Member Clement spoke in opposition to this item.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Best to approve sale of alcohol at the Durham Alive music festival for 2003 was approved at 10:00 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Cole-McFadden, Edwards and Stith. Noes: Council Member Clement. Absent: None.

SUBJECT: BOB NOVAK

To grant the citizen's request to allow an easement on neighboring property in order to connect to the City's sewer system by pumping over ridgeline; and

To discuss 102 Mickey Circle about sewer line and water line connection.

(The citizen has requested this item be removed from the agenda and rescheduled for the March 17 City Council Meeting). This citizen spoke at the 2-20-03 work session.

Staff Recommendation: Do not grant the request allow an easement on neighboring property in order to connect to the City's sewer system by pumping over the ridgeline.

Bob Novak noted the property owner has not been able to get in touch with Council and he has not had an opportunity to meet with him. Also, he requested that this item be deferred to the March 17, 2003 City Council Meeting.

Katie Kalb, Public Works Director, made comments noting staff's recommendation is to not approve the construction of a pump station and an easement that would cross on public property to the public sewer on Goodwin Road.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Cole-McFadden to not grant Mr. Novak's request to allow an easement on neighboring property in order to connect to the City's sewer system by pumping over the ridgeline was approved at

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10:02 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

MOTION by Council Member Best seconded by Council Member Edwards to extend the meeting beyond 10:00 p.m. was approved at 10:03 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: CLEANING CONTRACT FOR DURHAM BULLS ATHLETIC PARK - SARVIS ENTERPRISES

Victoria Peterson raised a concern noting the Durham Bulls Athletic Park has not generated any revenue for the City of Durham.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to authorize the City Manager to extend the contract for cleaning and janitorial services at the Durham Bulls Athletic Park with Sarvis Enterprises in an amount not to exceed \$94,588; and

To authorize the City Manager to make changes to the contract before execution as long as the changes do not increase the dollar amount and remain consistent with the general intent of the contract was approved at 10:06 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

SUBJECT: REZONING MATTER CASE P02-36 - BENNINGTON – BEAZER HOMES – BETWEEN CHANDLER ROAD AND BREEDLOVE AVENUE

To receive citizens' comments on rezoning Case P02-36 (Bennington); and

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the described property in rezoning Case P02-36 out of R-8, R-10, R-20 and PDR-8.5; F/J-B and placing same in and establishing same as PDR-4.0.

Zoning Committee Recommendation and Vote: Denial - (7-0)

Planning Department Recommendation: Approval

Note: Valid protest petition has been filed.

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Frank Duke, City/County Planning Director, briefed Council on this item noting this rezoning was continued from the February 3, 2003 City Council Meeting and the applicant is requesting this rezoning request be withdrawn.

Mayor Bell opened the public hearing.

Proponent

Stephanie L. Norris, representing the applicant, noted the applicant is withdrawing the rezoning request to meet the needs of residents who have voiced opposition to this item. She urged Council to allow the applicant to withdraw rezoning request.

Opponent

LaVonnia Allison, representing DCABP, raised a concern about this rezoning due to the increased density and school impact.

Mayor Bell declared the public hearing closed.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to allow the applicant to withdraw Rezoning Case P02-36 was approved at 10:13 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: ORDERING PETITIONED IMPROVEMENT - WATER MAIN ON RIDGEVIEW ROAD

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive citizens' comments on ordering a Water Main on Ridgeview Road - From Milton Road to and including Tax Map 865-1-7; and

To adopt a resolution ordering a Water Main on Ridgeview Road - From Milton Road to and including Tax Map 865-1-7 was approved at 10:13 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: ORDERING IMPROVEMENT UNDER ENABLING ACT AUTHORITY - WATER MAIN ON GATEWOOD DRIVE

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

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MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive citizens' comments on ordering a Water Main on Gatewood Drive - from Cassandra Drive to South Property Line of Tax Map 824-04-05; and

To adopt a resolution ordering a Water Main on Gatewood Drive - from Cassandra Drive to South Property Line of Tax Map 824-04-05 was approved at 10:14 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

SUBJECT: ZONING TEXT AMENDMENT – ESTABLISH NEW UNIVERSITY-COLLEGE DISTRICT (TC 03-03)

To receive citizens comments on Zoning Text Amendment TC 03-03 (Establishment of new University-College District); and

To adopt ordinance TC 03-03 amending Sections 4, 13 & 17 of the Zoning Ordinance.

Planning Department recommends approval.

Zoning Committee recommends approval (6-0)

Dick Hails, of the City/County Planning Department, briefed Council on the staff report.

Mayor Bell opened the public hearing.

John Schelp, of 1022 Rosehill Avenue, spoke in support of text amendment requesting that this item be postponed until after a March 5 meeting with Duke University officials to work out issues.

Tom Miller, representing Watts Hospital-Hillandale Neighborhood Association, asked Council to delay this item in order to do work with Duke and other colleges/universities.

Kay Robin Alexander, representing Burch Avenue Neighborhood Association, noted the Association would like to see the vote on this text amendment postponed. Also, she requested the administration to provide information on what other communities are experiencing with this type of zoning.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to continue the public hearing without further advertising to the April 7, 2003 City Council Meeting was approved at 10:23 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

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SUBJECT: STREET CLOSING CASE SC02-11 - DELANO STREET – DONNIE CLARK – EAST OF MULDEE STREET, NORTH OF HOLLOWAY STREET (NC 98)

Frank Duke, City/County Planning Director, briefed Council on the staff report.

Mayor Bell opened the public hearing and no one spoke in support or opposition to this street closing. The Mayor declared the public hearing closed.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to receive citizens' comments on Delano Street closing; and to adopt an order permanently closing 577.95+ linear feet of Delano Street was approved at 10:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance #12762

SUBJECT: STREET CLOSING SC02-10 - HANSON ROAD – TUCKER DEVELOPMENT, INC. – AT THE END OF HANSON ROAD, WEST OF FAYETTEVILLE ROAD, SOUTH OF MARTIN LUTHER KING, JR. PARKWAY

Frank Duke, City/County Planning Director, briefed Council on the staff report.

Mayor Bell opened the public hearing and no one spoke in support or opposition to this street closing. The Mayor declared the public hearing closed.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to receive citizens' comments on Hanson Road street closing, and to adopt an order permanently closing 85.0+ linear feet of Hanson Road was approved at 10:24 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance #12763

SUBJECT: PLAN AMENDMENT A02-14 - DURHAM COUNTY/HISTORIC PRESERVATION SOCIETY OF DURHAM – NORTH OF THE INTERSECTION OF LAWDALE AVENUE AND HILLSBOROUGH STREET

To receive citizens' comments on amending the Northwest Central Durham Future Land Use Plan; and

To adopt a resolution amending the Northwest Central Durham Future Land Use Plan.

Planning Department Recommendation: Approval

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Planning Commission Recommendation: Approval (11-0)

Frank Duke, City/County Planning Director, briefed Council on the plan amendment.

Mayor Bell opened the public hearing.

John Compton, representing HPSD, spoke in support of plan amendment noting this is an opportunity to strengthen the neighborhood and to save two historic houses.

John Schelp, of 1022 Rosehill Avenue, spoke in support of this matter noting it will create a stable cluster for the neighborhood.

Tom Miller, of 1110 Virginia Avenue, spoke in favor of this item noting the proposal moves the residential non-residential boundary of the Northwest Central Durham plan to a much more stable location. He urged Council to give this proposal favorable consideration.

Mayor Bell declared the public hearing closed.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to receive citizens' comments on amending the Northwest Central Durham Future Land Use Plan; and

To adopt a resolution amending the Northwest Central Durham Future Land Use Plan was approved at 10:29 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Resolution #8973

SUBJECT: SOUTH SQUARE MALL RENOVATIONS MAJOR SPECIAL USE PERMIT FOR TRAFFIC IMPACT (T02-01) – DURHAM ASSOCIATES, LLC – BOUNDED BY US 15/501 BUSINESS, WESTGATE DRIVE, SHANNON DRIVE, UNIVERSITY DRIVE

To hold a quasi-judicial hearing to consider a Major Special Use Permit for Traffic Impact, in association with consideration of a Major Site Plan for renovations at the former South Square Mall; and

To direct the Transportation Manager to prepare an order for adoption, for

- 1) approval; or
- 2) approval with conditions; or
- 3) denial;

or to continue the hearing to a specified later meeting.

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City Clerk Gray swore in the following individuals: Frank Duke, Dick Hails, Terri Danner, Steve Medlin, Sara Young, Mark Ahrendsen, Wesley Parham, Jack Markham, George Stanziale, Hal McNeely and Ramey Kemp.

Mayor Bell explained the proceedings for a major special use permit hearing.

The Mayor asked Council to reveal any possible conflicts and to withdraw from this hearing if necessary.

Mayor Pro Tempore Cheek disclosed a member of his law firm in Charlotte has been retained by Mr. Faison's firm to draft a contract and based on a conversation with the City Attorney--it has been determined that there is no conflict.

Also, Mayor Bell asked if any Council Member had been exposed to any evidence or information that may not come out at the hearing tonight.

Attorney Jack Markham identified himself as a representative for Faison & Associates.

Mayor Bell opened the public hearing.

Testimony from Staff

Wesley Parham, of Transportation Division, briefed Council on the staff report commenting on the proposed use of the site highlighting that there will be a free-standing discount store, discount warehouse club, specialty retail uses, sit-down restaurants and a gas station. He noted the traffic impact analysis was submitted and reviewed to identify off-site improvements necessary and a summary of the TIA review and recommendations is part of the staff report. Also, he requested the staff report, attachments and exhibits be entered as evidence.

Testimony from Applicant

Jack Markham, representing the applicant, spoke in support of traffic impact major special use permit for the redevelopment of South Square. He noted proposal will consist of 480,000 square foot of retail space and will generate an estimated 1,522 peak hour trips. He noted Ramey Kemp who prepared TIA will provide evidence that should enable Council to make favorable findings and grant request for major special use permit.

Ramey Kemp, representing the applicant, noted traffic impact analysis for South Square project was prepared by his firm and requested that it be entered as evidence. Also, he noted proposed project reduces traffic by 15%, traffic levels of service on all intersections adjacent to the site are level service C or better and no impacts or improvements are being proposed to residential streets.

City Attorney Blinder asked if there were any objections to the Traffic Impact Analysis being entered as evidence. There were no objections.

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Ramey Kemp, representing the applicant, made additional comments noting the proposed project provides good internal circular traffic, designated parking/loading areas and pedestrian sidewalks on three sides of the site connected to internal buildings along each access building. He noted improvements recommended to Westgate Drive will allow the traffic to operate more efficiently and safely.

The Mayor asked if there were questions for Jack Markham or Ramey Kemp representing the applicant.

There were no questions.

Attorney Jack Markham, representing the applicant, made additional comments noting the traffic infrastructure is in place to adequately serve South Square Mall to give the opportunity to eliminate certain driveways, realign other driveways and sidewalks and with the reduced amount of traffic projected, the situation of the new South Square will be improved. Also, he urged Council to approve traffic impact major special use permit.

Staff Recommendation

Wesley Parham, of Transportation Department, noted staff's recommendation is to approve major special use permit upon certain conditions that the developer will make all of the following improvements at no cost to the City of Durham and improvements must be completed prior to the issuance of any certificate of occupancy for any building on the development site: 1) Revise the traffic signal phasing at intersections adjacent to the site due to the change in traffic patterns and points of access; 2) Convert the Westgate Drive/Site Entrance #1 (south) to a right-in/right-out entrance; 3) Convert the Westgate Drive/Site Entrance #2 (middle) traffic signal to accommodate the site's westbound traffic; and 4) Convert the Westgate Drive/Site Entrance #3 (north) entrance to a right-in/right-out entrance. Also, he informed Council that the order is a part of supporting information for this item.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Clement to adopt an order granting, upon certain conditions, a Major Special Use Permit Traffic Impact Analysis for renovations for South Square Case T02-01 was approved at 10:44 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

Ordinance #12764

SUBJECT: MAJOR SITE PLAN AND PRELIMINARY PLAT FOR SOUTH SQUARE SHOPPING CENTER RENOVATIONS (CASE D02-576)

A motion was made by Council Member Clement seconded by Council Member Stith to approve the item as printed on the agenda.

Attorney Jack Markham, representing the applicant, noted the applicant has commitments from Target and Sam's Club.

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Frank Duke, City/County Planning Director, asked Council if motion includes approval of the alternative sidewalk on Westgate Drive and Shannon Road as recommended by the Development Review Board.

Council Member Clement replied yes.

Frank Duke gave an overview of the recommendations made by the Appearance Commission and the applicant addressed two of the issues requested by the Commission.

George Stanziale, representing Appearance Commission, discussed recommendations submitted by the Appearance Commission for this project.

Attorney Jack Markham, representing the applicant, noted the applicant has agreed to place bus stops on Westgate Drive and Shannon Road.

MOTION by Mayor Pro Tempore Cheek seconded by Council Member Stith to approve a site plan and preliminary plat for redevelopment and subdivision of an existing shopping center site into 14 parcels, including 48,590 square feet of remaining, one-story retail space in three parcels, and 431,976 square feet of new, one-story retail space, with 2,417 motor vehicle parking spaces and 100 bicycle parking spaces, on a +52.36 acre site, zoned SC and GC [to include alternative sidewalk on Westgate Drive and Shannon Road] was approved at 10:53 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cheek and Council Members Best, Clement, Cole-McFadden, Edwards and Stith. Noes: None. Absent: None.

There being no further business to come before the City Council, the meeting was adjourned at 10:53 p.m.

Linda E. Bratcher
Deputy City Clerk

D. Ann Gray, CMC
City Clerk